IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 87 OF 2006

Shri Dattatraya Hanumantrao Chavan. ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Shri Haridas for P.N. Joshi for Petitioner.
Shri D.D. Shinde for U.B. Nighot for Respondent No.4.

CORAM : A.M. KHANWILKAR, J.

DATED : JULY 25, 2006

P.C. :-

. Heard Counsel for the parties. This petition is disposed of with liberty to the petitioner to resort to such other remedy as may be permissible by law for recovery of the amount specified in terms of award which is payable to the petitioner.

2. I am inclined to take recourse to this mode, for the simple reason that the order which had been passed by the Division Bench of this Court on April 29, 2005 in Writ Petition No.2798/2005 obligates collector-respondent no.2 only to decide the applications for enhancement of compensation under Section 28-A, as expeditiously as possible, preferably within four months from the date of receipt of the

order.

3. It is not in dispute that the respondent has already decided this application within specified time. The fact that payment has not been offered to the petitioner in terms of award passed by the Land Acquisition Officer can not be the basis to initiate contempt action. The order clearly records that no further directions are necessary. This is not a case where the Division Bench has directed the authority not only to decide the application but also to pay the award amount within specified time. Besides, it is seen that the acquisition has been resorted to for the benefit of Maharashtra Krishna Valley Development Corporation which is acquiring body. The said acquiring body was not made respondent in writ petition. As the acquiring body was not party to the petition, it is not possible to proceed against the officers of the said body for having committed civil contempt which is the proceeding taken out before me. Hence, this petition is disposed of with liberty to the petitioner as aforesaid.

(A.M. KHANWILKAR, J.)